

**Jon Givens**

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**From:** Jon Givens  
**Sent:** Thursday, February 01, 2007 2:06 PM  
**To:** 'Dienelt, John'; 'McIntosh, Scott'; 'dfvallentine@jdolaw.com'; 'htrickey@jdolaw.com'  
**Subject:** RE: Extention of time

I will be filing in the next hour and file a motion to allow late filed brief if I do not hear back on an extention. If you agree after the filing let me know and I can withdraw the motion to accept late filing and so notify the court it is stipulated.

-----Original Message-----

**From:** Jon Givens  
**Sent:** Thursday, February 01, 2007 11:52 AM  
**To:** 'Dienelt, John'; 'McIntosh, Scott'; 'dfvallentine@jdolaw.com'; htrickey@jdolaw.com  
**Subject:** Extention of time

John

Apparently in the course of dealing with the hearing, yesterday, before the Master on the sanctions for discovery abuse and email cost issues, we failed to file our opposition to docket 305, motion for clarification. We will file our opposition today. Will you agree to this late filing or do we need to file a motion with the court to accept the late filing?

PS If there is an errata to the memorandum at docket 300/304 you would like to file let me know.

Exhibit 1  
Page 1 of 2

## Jon Givens

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**From:** Dienelt, John [John.Dienelt@dlapiper.com]  
**Sent:** Thursday, February 01, 2007 2:25 PM  
**To:** Jon Givens  
**Cc:** McIntosh, Scott; Heller, Barry M.; htrickey@jdolaw.com; dfvallentine@jdolaw.com; msinger@jdolaw.com

In response to your inquiry regarding our position with respect to your late filing of an opposition to our motion for clarification (Docket 305), we will not object to the late filing. As for your memorandum at Docket 300/304, our position is that you should withdraw it and that a new, truly joint memorandum should be submitted by defendants' counsel.

John F. Dienelt  
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Washington, DC 20036  
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202-689-7400 (fax)  
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Thank you.

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Exhibit 1

Page 2 of 2